

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE APPLICATION OF THE CROMWELL
GROUP, INC. AND AFFILIATES, ET AL.

Related to

UNITED STATES OF AMERICA,
Plaintiff,

v.

AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS,
Defendant.

Related to

In the Matter of the Application for the
Determination of License Fees for

THE CROMWELL GROUP, INC. AND
AFFILIATES, ET AL.

No. 10 CV 5210 (DLC) (MHD)

**PROPOSED PRETRIAL
SCHEDULING ORDER**

No. 41 CV 1395 (DLC) (MHD)

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 7/29/10
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No. 10 CV 0167 (DLC) (MHD)

DENISE COTE, District Judge:

As set forth at the pretrial conference held on July 29, 2010, the following
schedule shall govern the further conduct of pretrial proceedings in this case:

1. The parties are instructed to contact the chambers of Magistrate Judge
Dolinger by **October 15, 2010**, or any other later date agreeable to the parties and
Magistrate Judge Dolinger, in order to pursue settlement discussions under his
supervision.

2. The parties shall comply with their Fed. R. Civ. P. 26(a)(1) initial disclosure obligations by **September 3, 2010**.

3. All written party and third-party fact discovery requests (other than contention interrogatories or discovery which constitutes follow-up to a party's responses to pending discovery) shall be served in the period between September 3, 2010 and **February 4, 2011**.

4. The parties shall complete fact discovery by **May 2, 2011**.

5. The parties shall identify experts and disclose expert testimony conforming to the requirements of Fed. R. Civ. P. 26(a)(2)(B) by **June 1, 2011**.

6. The parties shall disclose rebuttal expert testimony by **July 22, 2011**.

7. The parties shall complete expert discovery by **September 1, 2011**.

8. The Joint Pretrial Order must be filed by **November 15, 2011**.

As described in this Court's Individual Practices in Civil Cases, the following documents must be filed with the Pretrial Order: Proposed Findings of Fact and Conclusions of Law and a Memorandum of Law addressing all questions of law expected to arise at trial. Any responsive memorandum of law is due one week thereafter.

All direct testimony except for testimony of an adverse party, a party whose attendance must be compelled by subpoena, or a witness for whom a party has requested and the Court has agreed to hear the direct testimony at trial, shall be submitted by affidavits and served, **but not filed**, with the Joint Pretrial Order.

Those portions of depositions that are being offered as substantive evidence, along with a one page synopsis (with transcript citations) of such testimony for each deposition, shall be exchanged at the time the Pretrial Order is filed.

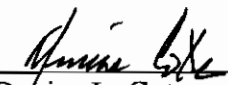
Three days after submission of the affidavits, counsel for each party shall submit a list of all affiants that he or she intends to cross-examine at the trial. Affiants for whom such notice is not given are not required to be present at trial.

Counsel will provide the Court with two (2) courtesy copies of all these documents at the time they are served, as well as one set of pre-marked exhibits assembled sequentially i) in a looseleaf binder, or ii) in separate manila folders labeled with the exhibit numbers and placed in a suitable container or box for ready reference.

9. The parties shall file motions *in limine* and *Daubert* motions, if any, by **November 15, 2011**.

10. The parties shall file oppositions to motions *in limine* and *Daubert* motions, if any, by **November 22, 2011**.

Dated: July 29, 2010 SO ORDERED.
New York, New York



Denise L. Cote
United States District Judge